G. R. S. IX-5]

Previous references.

File No. 50

1917-8

(GR)

Serial Nos. 1-8

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1- 8

Major ~~Rent~~ B ~~for~~ for september 1898.

Forwarded

SUBJECT.

Power to Deputy Commissioners to remit a reasonable portion of the assessment chargeable under Section 59 of the L.R. Code in cases of unauthorized cultivation of land.

Indexed

W D 88—GPB—50,000—24-7-18

Petn No: 2764 /

2/

Shanbhogue readily thought that the petitioner had exceeded his limits he should have informed him of the same & asked him to vacate the excess area - It is therefore evident that the charge of Encroachment is the outcome of jealousy on the part of the Shanbhogue against the petitioner -

(3) That even granting that the petitioner had encroached upon 11/4 guntas of Govt: Land owing to his ignorance, the fine of Rs 100/- now levied on him is exorbitant while the Amildar recommended a fine of 8 annas or one rupee being the amount of actual or double the Kandayam rate on the encroached area - The Jamabundy officer differing with the opinion of the Amildar is not justified in enhancing the

2

the payment of the fine by the introduction of certain measures in this season of scarcity-

(4) That he has a large family consisting of 30 members, depending on him.

(5) That for the last 3 years the crops have failed & he is in a helpless condition at present being unable to pay the Kandayam due by him-

Prays that the entire records may be sent for for perusal & equitable orders passed cancelling the fine levied by the Jurisdictions officer-

The petitioner further states that he has resided appealing to the Dept. Comr. as he is afraid that there would be miscarriage of justice owing to the same officer being in charge of the Distt. as a Dept. Comr.

CA
11/5/98 Enclosure
1 copy of the Karar Faisal Tahsildar

Section 59 - Du
Minimum Requirements
enhanced subdivision
10 1/4 hectares of certain
land unserviced
Not dependent also
106 - The Sub-Division
Act 1988 (the
dependent of the
section 59 of the Sub
Act - The Department
to ensure that
when considering
that the minimum
requested was too
large - He accepts
reduced the size
to 8 2 & considered
a dependent site for
the balance of the
size would mean
large parcel - The
letter of section
59 is in favour of

4

The Sub Divisional
Officer while the Court
of Petty Sessions Act
of the Dy Comm. Court
at any rate have
the Power to remit
any portion of the pre-
scribed under
Section 59. In the
case the refund is
most equitable may
be sanctioned by
Secretary Revenue Board
the Govt. Board
Nay an order similar
to the Kaveri Govt
order No. G. R 1625-9
30 Mar 1900 under
which the Power to grant
remission was made
case has been
delegated to Collector
Vide Govt Dy Collector
(Vide note (2) page
61 of Satter L. R. Code)

9-9-98

Renu
Superintendent
Record &
10/9/98

9/10 May not
advised
to withdraw the

Accepted
Govt order dated
Addl Secretary
10/9/98

Subject

1/2 Rs stamps affixed - Stamps Act 82

(2) The order complained of has been passed by the Joint Revenue Officer (a Sub-Divisional Officer) in 1897-8, but the copy of the order is not dated

(3) The petr states that he did not appeal to the Collector in the first instance as the Sub Collector himself was in charge of the District at the time

Section GR
File No 50 of 1897-1898
Serial No 275

Name of Petitioner Annivenkatappa

Village Jeenoor Kadirenahally

Taluk Chikballapur

District Kolar

Date of Arzi 9-5-98

Date of Receipt 10-5-98

Date of Disposal

No. of Enclosure one

D.F. (100)

ABSTRACT

Translation of Joint Revenue Officer's order on the Sarkaran Faisal Sahita of Jeenoor Kadirenahally Chikballapur Taluk for the year 1897-98.

Annivenkatappa has encroached upon a portion of S.No 44 measured at Rs 4-3- He has likewise encroached upon a portion of Survey Number 46 & 47 A assessed at Rs 4-9- & 14-2- respectively -

Under decision of the

MJ
14.5.98.

To Collr pr despatch
the appeal being from the
Sub Dr Officer's order
the attention is drawn to
the fact that the copy of the
Sub Dr Officer's order is not
dated

17/5/98

17/5/98

Mysore Land Revenue Code
Municipal tax is fixed
Rs 106/- being the full assessment
of Survey Nos: Encroached upon
by him.

S. No	area a & g	assessment	Encroached area a & g
44.	32-20	43-0-0	0-3 1/4
46.	37-24	49-0-0	0-10 1/4
47.	9-1	14-0-0	0-1/4
	106-0-0		0-11 1/4

The present appeal is against
the above order on the following
grounds:-

(1) That it is plain, from the
conflicting statements of the
Shanbhog & the Mojinidar
as regards the area of the
land alleged to have been
encroached upon, that the
whole matter is false;

(2) That he purchased S. No.
43 from the Shanbhogue himself
& had cultivated just as
much as was under culti-
-vation while the field
remained in the possession
of the Shanbhogue - At the
Shanbhogue

Pet. 12
1422
23-5-98

Section
File No
Serial No 12

MYSORE DEWAN'S OFFICE.

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

The accompanying Appeal Petition
Registered No. 2761 dated 9-5-98
received at the Dewan's Office from
[illegible] of [illegible]
[illegible] Chik-
-ballapur Taluk, appealing
against the order of the Asst
Deputy Commr (Sub Dy Officer) pmi
petn (1061- for encroachment
on Govt land

is forwarded, together with its
enclosure, to the Deputy Commr
& the Collr of for disposal
the appeal being from the
Sub. Dy Officer's order.

2. The attention of the Dy
Commr is drawn to the fact
that the copy of the Sub. Dy
Officer's order is not dated

By order,

for Secretary.

BANGALORE,
21/23 / 5 / 1898

18/5/98

Section LR Gen. 31.
File No 80 of 1897-S
Serial No 2

REVENUE DEPARTMENT
Cl. No. 5
JUL 25 1898
DEWAN'S OFFICE

From

The Deputy Commissioner
Kolar District

To

The Secretary to the
Government of Mysore.
Revenue and General Departments
Bangalore.

Dated 18th July 1898

Despatched 23rd do

Received

General No. 354 of 1898-99
No. 100

Enclosure No. 1 with a file of papers.

Forwarding a refund bill for Rupees 104 in favour of Kotteru Venkatappa in Gauribidanur Hobli Chikballapur Taluk

Petition 52 K
25/7

Refer pertinent
Draft
26/7/98

Under the Standing Order, the Dewan is competent to reverse his own Assistant's order.

The question in this case is the sanction of the refund bill

27/7/98

Submit draft for Dewan's order.

Referred to Secretary
Draft sanction herewith put up. The petition (now returned) is returnable

Hand over to Secretary for order

Circulated to Secretary for order

26/7.

Refer pertinent
Draft
26/7/98

4.7.98

9

No 354 En. 1 Sitt a
100 Kilgaramapura.

Civil & Sessions Commissioner's Office
Dated 31st July 1898.
Desp. 23d

To.

The Secretary to the
Government of Mysore.
Revenue and General Department.

Sir.

With reference to your official memorandum
no: Sel. 1420 dated 2nd May 1898 forwarding for
disposal a petition from one Muni Venkatappa
of Yemmu Kadaramballi Village Chikballapur
Taluk, I have the honor to state as follows:—

2. The Petitioner is the holder of Survey no: 43
measuring 3-9 assessed at Rs 10 in the above
mentioned village. He was fined by the
Jamabandi Officer, Mr. Ramachandra Rao
in a sum of Rupees 106: being the full
assessment of unoccupied Survey nos:
44 - 46 and 47 on account of having
encroached upon a portion of each of
those nos: which adjoin his field no. 43.
Against this order he appealed to Government

3. I perused the records and heard the
petitioner at Chickballapur. I was
satisfied

Satisfied that it was a case of ignorance and that he did not attempt to encroach the survey nos: 40 and 41. He thought perhaps erroneously that the Shanbhogue from whom he purchased field no 43 used to cultivate the bits now encroached upon. 4. The aggregate extent of the several encroachments was only ½ guntas forming a portion of survey nos: adjoining the field no: 43 referred to, the approximate assessment thereof being about 6 annas. Instead of making the petitioner liable to the assessment & inflicting a fine limited to the case, the Jamabandi officer fined him Rs 100/- being the full assessment on A.G. 43-5 Cultivated. He did not even examine the petitioner when disposing of the "Tatkal Taksir" or ascertain the exact nature of the encroachment

5. As the encroachment was not intentional

and

11

and as the petitioner was a poor person and
legal Aid was refused the Petitioner
applied to the Lieutenant Governor
in Council who by his Excellency's
Order of the 22nd day of December
1893 directed that the amount of five
hundred dollars should be paid to
Petitioner's Solicitor for the purpose of
proceeding to the great seal of the Province
of Ontario to obtain a Commission
Submitted to Government for sanction
with the Memorandum, pending hearing on
the case

Please do cause to be
Sir
Your most obedient Servant

M. Hamilton Jr
for Registrar Queen's Bench
Victoria District

Toronto

Section 2R
File No 500/1897-8
Serial No 4

From

The Secretary to the
Government of Mysore.

1898

To

The Dy: Commissioner
Kolar dist.

Dated 12th August 1898

Despatched 12

Received

General No. 1191.

No. 124

Enclosure No. 1 N.R.

1013

His letter no. 500/100 dated 13th July 1898, from the Deputy Commissioner Kolar District, intimating for sanction a refund bill for Rs 104/- being the amount remitted by the Dy: Commissioner out of the fine of Rs 106/- imposed by the Jamadar Officer on one Cunniencka Tapiba for encroachment on the neighbouring lands.

On returning the bill and the papers received with the above he has the honor to observe that the reasons intimated are incomplete as they do not contain the Deputy Commissioners order remitting a portion of the fine imposed by the Deputy Commissioner is therefore requested that the entire record connected with the case with a report as to the authority under which

13 which he remitted Mr fine.

By order

11-8-99

Secy.

11/8/99

Section: Rev
File No: 500/1897-98
Serial No: 5
Record

Proceedings of the Govt. of Mysore

Letter no: 354/100 dated 13 July 1898 from the Deputy Commissioner Kolar District, submitting for sanction a refund bill for Rs 104/- being the ~~money of the~~ Amount remitted by the D.C. Commissioner out of the fine of Rs 105/- imposed by the Amildar on the Amildar's case ~~for having~~ encroached upon site of land measuring ~~about~~ 2 guntas assigning his holding survey No: 43 in Yerrur Kadaresanahalli village, Chikballapur Taluk.

Order thereon:-

The refund bill for Rs 104/- is sanctioned and forwarded to the Comptroller for audit.

6/8/98

Secretary

To

The Deputy Commissioner
Kolar DC with his pa
& Comptroller with his

Section KR

File No 508/98 [Gen. 31]

Serial No 6

GENERAL DEPARTMENT
Gl. No. 145
G 25 1898
No 7622
1898 REVENUE OFFICE

From The Deputy Commissioner
Kolar District

To

The Secretary to the
Government of Mysore.

Revenue General Office

Dated 23.3.98.
Despatched —do—
Received

General No. 508 & 1898-99
No. 224
Enclosure No. 2 triplicate records

Forwarding the entire records connected with the refund of Rs 104½ in favour of Yenne Kadirenhalli Munivenkatappa of Chickballapur — five Talukas &c —.

Subd. for orders on the Revenue Inspector's Report on Kolar Dy. Commr's letter No. 304 dated 13th July 1898

Dtr.
2/9/98

Submitted Secretary

Taluk Peon No. 6 — Requires Sketch map showing the encroachments.

Do Peon No. 3. — Is the Takkar list containing the Jamabandi Officer's order fixing Patta Rs. 106- The extent encroached upon has reported as follows. —

By the Measurer		By the Measurer	
Out of Survey No.	By the Shanbhog	Out of Survey No.	
45	0-16	46	0-16¼
47	0-1	47	0-0¼
44	0-1	44	0-0¾
	Total 18 Cuntas -0		Total 11¼ Cuntas -

Do - Peon No. 7 — Is the Statement given by the Patta admitting encroachment as ascertained by the Measurer.

2. The Patta does not appear to have been produced before the Jamabandi Officer - when he fixed the Patta Rs. 106 Rs. under Sec. 59 of Mr. L.R. Code - The nos. encroached upon are assessed as follows. —

46 — Extent - Rs. As.
Dry 37-24 - 49
47 Do - 9-1 - 14
44 Do - 32-20 - 43
Total 106

The Pattadar has not been able to produce the counterpart under which he leased the fruits. He explains that Patta under which he [illegible] did so.

R 5/9/98.

Nil 25/8

Nil
27/8
Nil Proceedings
9/9/98

Please send copy of Sketch.

[illegible] 31/8/98

H

No 8088 Jn. 2 da
224
To

Kolar Deputy Commissioner's office
file of record Dated 23rd August 1895

The Secretary to the Government
of Mysore.
Revenue and General Departments.

Sir,

Adverting to your docket No 1191
F.R 124
dated 12th August 95, I have the honor to
state that the appeal preferred to the
Government by Munivenkatappa of
Yemmur Kadirenhalli in the Chickballapur
Taluk was in the first instance referred
to me with the official Memorandum
No 1420 dated 23rd May last for
disposal, the appeal being from the
Subdivision Officer's Orders —.

2 The case was dealt with under
the provisions of chapter XIII of the Land
Revenue Code. My original order is en-
-dorsed on the back of official memoran-
-dum No 1420 of 23rd May last here-
-with sent.

3 A strict and literal interpre-
-tation of the rule enjoins the levy of

of the full assessment of the Survey number
in such cases, but in practice the rule is
relaxed except in extreme cases of wilful
and persistent encroachment on the part
of the ryot. I have been guided more
by the spirit of the rule which cannot
contemplate the infliction of such a
crushing fine as that imposed by the
Jamabandi officer which is out of all
proportion to the offence committed
by the ryot.

4 Under such circumstances and in
the best interests of both the ryot and
the Government, I remitted the fine, which
I hope, will be approved of by Govern-
-ment.

5 The entire records and my order with the bill
remitting the fine referred to are en-
-closed herein.

I have the honor to be,

Sir,

Your most obedient servant

W. Wedderburn

Deputy Commissioner

from Kolar District

Draft letter or Memo 19

Section LR
File No 500 of 1897-8
Serial No 07 Read.

1965

Correspondence ending with letter No. 808/224 dated 23d August 1898 from the Dy Commr, Kolar District, regarding the refund of Rs. 104 recommended in favor of Mani Venkatappa of Yemmir Kadirenhalli in the Chikballapur Taluk.

Order thereon:—

During the Jamabandi of 1897-98, it was brought to the notice of the Jamabandi officer (the Sirlu Division officer of Chikballapur) that Mani Venkatappa, the holder of S.No. 43 in the village referred to had encroached upon portions of the adjoining Survey nos. 44, 46, and 47 to the extent noted in the margin. Under Section 59 of the Mysore Land Rev. Code, the Jamabandi

S.no.	extent A G	Assessment Rs.	extent encroached A G
46.	37-24	49-00	0-10 1/2
47	9-1	14-00	0-0 1/4
44	32-20	43-00	0-0 3/4
	79-5	106-00	0-11 1/4

fine imposed by the jamabandi officer having already been recovered in full, the Dy Commr submits a refund bill for Rs. 104 in favour of the Petitioner.

2. Government observe that the letter of Section 89 of the L. Rev: Code is in favour of the jamabandi officer's view, while the spirit of it favors that of the Dy Commr. Government have the power to remit any portion of the assessment levied under Section 89, and the refund proposed in this case is most equitable. The bill for Rs. 104/- is accordingly sanctioned and forwarded to the Comptroller for audit.

17-9-98.

Secretary

To.

The Dy Commr,
Kolar District,
returning the enclosures
Comptr, Allyarc & Govt,
with the refund bill.

officer fined him Rs. 106/-
being the full assessment
of the 3 Survey Nos encroached
upon. The Sub Division
officer being then in charge
of the District, Munisenkatappa appealed to
Govt for redress. The
appeal petition dt 9.5.1898
was sent to the Dy Commr
for disposal. On verification
of the Jamabandi officer's
order, the Dy Commr reduced
the fine from Rs. 106 to Rs. 2,
chiefly on the grounds
that Munisenkatappa
did not attempt to occupy
or cultivate the 3 ad-
joining Survey Nos that
encroached upon them
to a small extent, that
the encroachment was
not intentional but was
due to ignorance and that
the admission of the Petr
before the Majumdar, on
which the Jamabandi
officer's order was based,
was insufficient. The

Subject: GR - Cultivation of Ganja etc.

File No. 50 of 1897-8

Serial No. 8

No. 2895-60 dated 17/9/98 1845

R. 1027

Order:—

The Govt of Ellpore are pleased to direct that when dealing with cases of unauthorized cultivation of land the Dy Commrs, Sub Division officers and Assistant Commrs in charge of Talukas shall have power to remit such portion of the assessment chargeable, as may appear to them, on view of the circumstances, to be reasonable and desirable. It must however be understood that the power to grant remission, hereby conferred, is to be exercised only in cases where a strict enforcement of the provisions of the Section above cited would

under Section 59 of the Ellpore L. R. Code.

Sd A. 27th 9

17-9-98

R27th 17.9.98

Have added a few words Sd 22.9.98

Typed 22-9-98.

1010

22

Seem to be unofficial.
and remit with undue haste.

Permit

Secretary

13/9/15

To.

The Organising Secretary.

1898-99

GOVERNMENT OF MYSORE

REVENUE

PROCEEDINGS

Dated 27th September 1898

No. 2595-602 / R. 1029

Empowering Deputy Commissioners, &c. to remit a reasonable portion of the assessment chargeable under Section 59 of the L. R. Code in cases of unauthorized cultivation of land where a strict enforcement of its provision would result in undue hardship.

MGCPB—8-10-98—200

24

Proceedings of the Government of Mysore, Revenue, dated 27th September 1898.

No. 2595-602—R. 1029, DATED BANGALORE, 27TH SEPTEMBER 1898.

ORDER.—The Government of Mysore are pleased to direct that when dealing, under Section 59 of the Mysore Land Revenue Code, with cases of unauthorized cultivation of land, the Deputy Commissioners, Sub-Division Officers and Assistant Commissioners in charge of taluks shall have power to remit such portion of the assessment chargeable, as may appear to them, on view of the circumstances, to be reasonable and desirable. It must, however, be understood that the power to grant remission, hereby conferred, is to be exercised only in cases where a strict enforcement of the provisions of the section above cited would seem to be inexpedient and result in undue hardship.

C. SREENIVASIENGAR,
Secy. to Govt., Gen. & Rev. Depts.

To—The Deputy Commissioners of Districts.

Pub.—H.A.T.